

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7905

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LORENZO ADDERLY, a/k/a Kendrick A. McKenzie,
a/k/a Son-Son,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CR-95-74)

Submitted: January 27, 2005

Decided: February 7, 2005

Before LUTTIG and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Lorenzo Adderly, Appellant Pro Se. Stephen Wiley Miller, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Lorenzo Adderly appeals from the district court's order denying his motion for a downward departure in his sentence. Because Adderly had no pending challenge to his sentence and no court had ordered his resentencing, we affirm the district court's determination that it lacked jurisdiction to grant the motion for a downward departure. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED